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October 1, 2020

The Honorable Kenneth M. Karas
The Hon. Charles L. Brieant Federal Building
And United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *United States ex rel. Cutler v. Cigna Corp. et al.*, No. 17 Civ. 7515 (KMK),
Defendants' Request to Temporarily Adjourn Pre-Motion Conference

Dear Judge Karas:

We write to respectfully request a temporary adjournment of the pre-motion conference currently scheduled to take place on October 8, 2020, in the above-referenced case. Relator Robert Cutler consents to this request.

As the Court is aware, the Government declined to intervene regarding some of Relator's claims. Specifically, the Government declined to intervene insofar as Relator asserts Defendants committed *per se* violations of the False Claims Act when they submitted diagnosis codes based on in-home examinations because those examinations did not involve the provision of medical treatment. *See* Dkt. 13.

The Government and the Defendants have recently been in contact regarding the remaining claims. Jointly with the Government, we request a temporary adjournment of the pre-motion conference to allow the Defendants and the Government sufficient time to discuss the Government's position as to the remaining claims. Defendants request an adjournment of the conference until a time in December or January that is available on the Court's calendar. This is Defendants' first adjournment request on this basis; Defendants previously submitted a letter requesting to stay responsive pleading obligations pending the disposition of its forthcoming motion to transfer this case (although Defendants then subsequently filed a pre-motion letter regarding a motion to dismiss).

Respectfully submitted,

/s/ Eamon P. Joyce
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The conference is adjourned until 11/12/20 at 3 pm. This gives counsel plenty of time to discuss this very old case.

So Ordered.



10/2/20

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